

**Notice of Allowability**

Application No.

10/661,724

Examiner

JOHN PAK

Applicant(s)

TENNEY ET AL.

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1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's response of 8/2/2007.
2. ☒ The allowed claim(s) is/are 17, 13-15, 19, 18, 48-50, 52, 20, 53, 55 and 56 [renumbered as 1-14].
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JOHN PAK

PRIMARY EXAMINER

GROUP 1600

**Authorization to Charge Deposit Account & Enter Examiner's Amendment**

Additional fee for excess independent claims is required in order to make an examiner's amendment which places this application in condition for allowance. It is noted that applicant already paid for a total of 5 independent claims. Currently, there are 6 independent claims total, so fee for one more excess independent claim is required. During a telephone conversation conducted on 10/24/2007, John Johnson authorized the Director to charge **Deposit Account No. 16-0605** the required fee of **\$105.00** for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

**Amendments to the Claims**

**CANCEL** claims 16, 21, 51 and 54.

Claim 17. (Currently amended) A method for attracting arthropods in a location in need of arthropod control consisting of combining a volatile acid precursor and a carbon dioxide precursor with water to produce carbon dioxide, water vapor, and a volatilized acid, said volatilized acid, carbon dioxide, and water vapor thereby attracting arthropods to said location, wherein (i) the volatile acid precursor is a metal salt that is acidic when combined with water, (ii) the carbon dioxide precursor is a compound selected from the group consisting of carbonates, bicarbonates and sesquicarbonates, and (iii) the volatile acid precursor is impregnated in a porous carrier selected from the

group consisting of silica, alumina, zeolite crystals, pumice, diatomaceous earth, bentonite, clay, and combinations thereof.

Claim 18. (Currently amended) A method for attracting arthropods in a location in need of arthropod control consisting of combining a volatile acid precursor and a carbon dioxide precursor with water to produce carbon dioxide, water vapor, and a volatilized acid, said volatilized acid, carbon dioxide, and water vapor thereby attracting arthropods to said location, wherein (i) the volatile acid precursor is a metal salt that is acidic when combined with water, (ii) the carbon dioxide precursor is a compound selected from the group consisting of carbonates, bicarbonates and sesquicarbonates, and (iii) the volatile acid precursor and the carbon dioxide precursor are contained in a gas permeable sachet.

Claim 19. (Currently amended) The method according to claim 17, wherein said volatile acid precursor and carbon dioxide precursor are provided adjacent to an arthropod trapping device, whereby at least a portion of the attracted arthropods are trapped.

Claim 20. (Currently amended) A method for attracting arthropods in a location in need of arthropod control consisting of combining a volatile acid precursor and a carbon dioxide precursor with water to produce carbon dioxide, water vapor, and a volatilized acid, said volatilized acid, carbon dioxide, and water vapor thereby attracting arthropods to said location, wherein (i) the volatile acid precursor is a metal salt that is acidic when combined with water, (ii) the carbon dioxide precursor is a compound

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selected from the group consisting of carbonates, bicarbonates and sesquicarbonates, and (iii) the volatile acid precursor is impregnated in a porous carrier selected from the group consisting of silica, alumina, zeolite crystals, pumice, diatomaceous earth, bentonite, clay, and combinations thereof; and killing at least a portion of the attracted arthropods with a pesticide.

Claim 52. (Currently amended) The method according to claim 18, wherein said volatile acid precursor and carbon dioxide precursor are provided adjacent to an arthropod trapping device, whereby at least a portion of the attracted arthropods are trapped.

Claim 53. (Currently amended) A method for attracting arthropods in a location in need of arthropod control consisting of combining a volatile acid precursor and a carbon dioxide precursor with water to produce carbon dioxide, water vapor, and a volatilized acid, said volatilized acid, carbon dioxide, and water vapor thereby attracting arthropods to said location, wherein (i) the volatile acid precursor is a metal salt that is acidic when combined with water, (ii) the carbon dioxide precursor is a compound selected from the group consisting of carbonates, bicarbonates and sesquicarbonates, and (iii) the volatile acid precursor and the carbon dioxide precursor are contained in a gas permeable sachet; and killing at least a portion of the attracted arthropods with a pesticide.

Claim 55. (New) A method for attracting arthropods in a location in need of arthropod control consisting of combining a volatile acid precursor, a carbon dioxide

precursor, and a pesticide with water to produce carbon dioxide, water vapor, and a volatilized acid, said volatilized acid, carbon dioxide, and water vapor thereby attracting arthropods to said location, wherein (i) the volatile acid precursor is a metal salt that is acidic when combined with water, (ii) the carbon dioxide precursor is a compound selected from the group consisting of carbonates, bicarbonates and sesquicarbonates, and (iii) the volatile acid precursor is impregnated in a porous carrier selected from the group consisting of silica, alumina, zeolite crystals, pumice, diatomaceous earth, bentonite, clay, and combinations thereof; and killing at least a portion of the attracted arthropods with the pesticide.

Claim 56. (New) A method for attracting arthropods in a location in need of arthropod control consisting of combining a volatile acid precursor, a carbon dioxide precursor, and a pesticide with water to produce carbon dioxide, water vapor, and a volatilized acid, said volatilized acid, carbon dioxide, and water vapor thereby attracting arthropods to said location, wherein (i) the volatile acid precursor is a metal salt that is acidic when combined with water, (ii) the carbon dioxide precursor is a compound selected from the group consisting of carbonates, bicarbonates and sesquicarbonates, and (iii) the volatile acid precursor and the carbon dioxide precursor are contained in a gas permeable sachet; and killing at least a portion of the attracted arthropods with the pesticide.

**Amendment to the Specification**

Page 2, second paragraph, line 5 of said paragraph: after "adjacent" insert  
--- to ---.

Paragraph that bridges pages 4 and 5 (see applicant's preliminary amendment of  
12/31/2006), last line of the paragraph, after "10/243,590" but before the period, insert  
--- filed on September 13, 2002 --- .

Any inquiry concerning this communication or earlier communications from the  
Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**.  
The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's  
SPE, Johann Richter, can be reached on **(571)272-0646**.

The fax phone number for the organization where this application or proceeding  
is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (571)272-  
1600.

Information regarding the status of an application may be obtained from the  
Patent Application Information Retrieval (PAIR) system. Status information for  
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A handwritten signature in black ink, appearing to read 'John Pak', is positioned above the printed name.

John Pak  
Primary Examiner  
Technology Center 1600